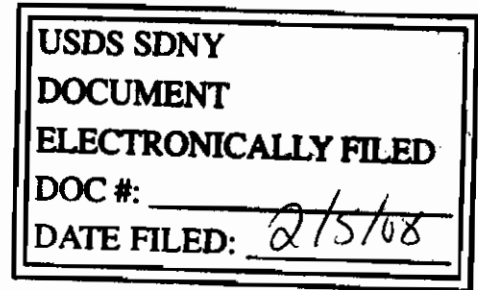


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X



GREGORY KLEINE,

Plaintiff,

07 Civ. 5887 (PKC)

-against-

ORDER

THE CITY OF NEW YORK, et al.,

Defendants.

-----X

P. KEVIN CASTEL, District Judge:

I have the Joint Letter of January 28, 2008. The following are my rulings. The numbers correspond to the paragraph numbers of the January 28, 2008 correspondence.¹

1. A wholesale request for the District Attorney's file is overbroad. I will give the District Attorney's Office until May 16, 2008 to determine which documents it will produce without objection and to actually produce such documents and identify those to which it lodges an objection.
2. Denied.
3. Denied.
4. Denied. Defendants shall supply an affidavit by February 20 describing the search for responsive materials.

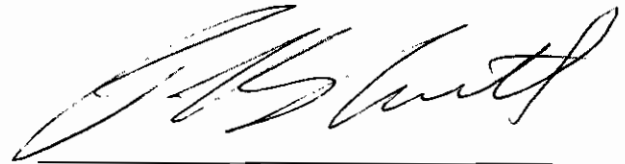
¹ Sadly, I may have created a monster. Because of the Court's willingness to entertain discovery squabbles from the same law firm representing the plaintiff in an earlier case, Rios v. Port Authority, 06 Civ. 1089 (PKC), the law firm now views this as a preferred avenue for litigating all law suits before me. Then again, the defendants repeatedly make the absurd statement that they "object to plaintiff's request on the grounds that it assumes facts not established." That the facts are not established is often the point of discovery.

-2-

5. Moot by reason of the agreement to produce.
6. Denied, except as to the audiotape.
7. Denied.
8. Denied without prejudice to revisiting after the District Attorney's materials are produced.

In order that discovery may be conducted on the basis of relevant materials in the District Attorney's files, fact discovery will conclude on June 13, 2008; expert discovery concludes July 11, 2008. The March 21 conference date is vacated. The next conference will be June 27, 2008 at 11:00 a.m.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'P. Castel', is written over a horizontal line.

P. Kevin Castel
United States District Judge

Dated: New York, New York
February 4, 2008